

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-CV-178-D

KERI WELLS, on behalf of herself)
and all others similarly situated,)
)
Plaintiff,)
)
v.)
)
FIFTH THIRD BANK, INC.,)
)
Defendant.)

ORDER

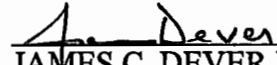
On June 7, 2017, defendant filed a motion to compel arbitration and to stay proceedings. See [D.E. 13]. Defendant also filed a declaration from Angela Howell, and memorandum in support of the motion. See [D.E. 14, 15]. On June 28, 2017, plaintiff responded in opposition [D.E. 16]. On July 12, 2017, Fifth Third Bank filed additional declarations in support of its motion and replied to plaintiff's response. See [D.E. 17, 18, 19].

The record demonstrates: (1) the existence of a dispute between the parties; (2) a written agreement that includes an arbitration provision purporting to cover the dispute and that is enforceable under general provisions of contract law; (3) the relationship of the transaction, as evidenced by the agreement, to interstate commerce; and (4) plaintiff's refusal to arbitrate the dispute. Thus, the court grants the motion to compel arbitration. See, e.g., Marmet Health Care Ctr., Inc. v. Brown, 565 U.S. 530, 531–33 (2012) (per curiam); CompuCredit Corp. v. Greenwood, 565 U.S. 95, 98 (2012); AT&T Mobility LLC v. Concepcion, 563 U.S. 333, 344–52 (2011); Citizens Bank v. Alafabco, Inc., 539 U.S. 52, 56–58 (2003) (per curiam); Green Tree Fin. Corp.-Ala. v. Randolph, 531 U.S. 79, 91–92 (2000); Galloway v. Santander Consumer USA, Inc., 819 F.3d 79, 89–90 (4th Cir. 2016); Chorley Enters. v. Dickey's Barbecue Rests., Inc., 807 F.3d 553, 562–63 (4th

Cir. 2015); Santoro v. Accenture Fed. Servs., LLC, 748 F.3d 217, 221 (4th Cir. 2014); Rota-McLarty v. Santander Consumer USA, Inc., 700 F.3d 690, 697–98 (4th Cir. 2012); Newman v. First Montauk Fin. Corp., No. 7:08-CV-116-D, 2010 WL 2933281, at *7–8 (E.D.N.C. July 23, 2010) (unpublished).

In sum, defendant's motion to compel arbitration and to stay proceedings [D.E. 13] is GRANTED. The court STAYS the action pending arbitration of plaintiff's claims. The parties shall notify this court upon the conclusion of the arbitration.

SO ORDERED. This 16 day of August 2017.



JAMES C. DEVER III
Chief United States District Judge